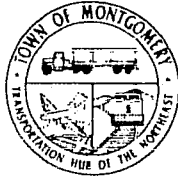


# Exhibit “R” to Amended Verified Petition

## TOWN OF MONTGOMERY

74 MAIN STREET  
WALDEN, N.Y. 12586



January 13, 1989

Mr. Emilio D. Girona, Jr.  
Attorney at Law  
252 North Plank Road  
Newburgh, NY 12550

RE: Mehlon Trucking - Mining Permit

Dear Mr. Girona:

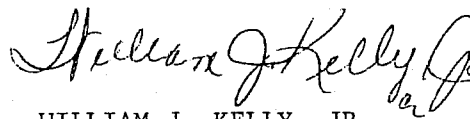
Your client's submittal for a Special Exception Use Permit for mining has been received and the following comments apply:

1. Page 5 of the Long Form EAF states that a variance is needed, this is incorrect. The EAF should show that the Town Planning Board must approve the special use permit.
2. Page 6 of the EAF, under "Impact on Land", makes reference to construction lasting over a year. This should be omitted; only mining, not construction, will be taking place over a year.
3. The mined land use plan should specify (p.2-9) that blast warning information will be transmitted to nearby property owners in writing.
4. The mined land use plan states that the entry area will be paved, along with certain other drainage improvements, within 6 months of the commencement of mining. How can we be assured that this will actually happen? A bond should be posted, if possible.
5. Our main concern is in the final condition of the mine pit at the end of the project. Will the pit and side slopes be able to support vegetation similar to that growing there now? This should be addressed in detail by DEC then we can review that final plan.
6. The profile of the hill will be mostly preserved although the ridge will be very sharp. We think the designer should detail this a bit more.

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7. What will be the use of the frame structure now under construction in the location indicated as foundation?
8. Should the gate be better placed some small distance from the edge of Kings Hill Road?
9. Most importantly, we are concerned about the issue of the proper boundary for this site and we request that you supply us with all support for the contention that these parcels are wholly within the Town of Montgomery.

Very truly yours,

A handwritten signature in cursive script, reading "William J. Kelly, Jr.", with a stylized flourish at the end.

WILLIAM J. KELLY, JR.  
Planning Board Chairman

WJK:ctr